

SENATE BILL 2387

By Kyle

AN ACT to amend Tennessee Code Annotated, Section 40-25-123, relative to the payment of court costs and county work projects in lieu thereof.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-25-123, is amended by deleting subsection (b) in its entirety and substituting instead the following:

(b) Notwithstanding any provision of law to the contrary, the presiding judge of a court of general sessions may suspend the court costs and the litigation tax as required by §§ 67-4-602 - 67-4-606, for any indigent criminal defendant, as in the presiding judge's opinion the equities of the case require, for a period not to exceed six (6) months from date of disposition.

SECTION 2. Tennessee Code Annotated, Section 40-25-123, is further amended by adding the following language as a new, appropriately designated subsection:

() (1) Upon sentencing, a defendant convicted of any criminal offense shall be referred by the court to the clerk of the court for immediate collection and disposition of all assessed costs, fines and litigation taxes.

(2)(A) Any county by majority vote of the county legislative body may establish a supervised work project program for those defendants who are unable to pay assessed court costs, fines and litigation taxes. Such program shall be administered by the county. Participants in such a work program shall receive credit for each completed workday in an amount to be set by the county legislative body, provided that, under no circumstance shall said credit be less than the prevailing minimum wage.

(B) If the clerk determines that the defendant is unable to pay, the defendant shall be directed to participate in an approved county work project in lieu of payments of said costs, fines and litigation taxes. In those instances where the defendant is to serve a period of confinement, upon completion, said defendant shall likewise be directed to participate in the work project program.

(C) Immunity is expressly retained and counties shall not be liable for any injury sustained by a defendant while performing work pursuant to this subsection unless the county or county's employee's negligence caused the injury.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.